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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,533	09/28/2001	Russell F. McKnight	P1733US00	4798
24333	7590	05/03/2007	EXAMINER	
GATEWAY, INC.			DEANE JR, WILLIAM J	
ATTN: Patent Attorney			ART UNIT	PAPER NUMBER
610 GATEWAY DRIVE				2614
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N. SIOUX CITY, SD 57049				
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			05/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/966,533	MCKNIGHT, RUSSELL F.	
	<b>Examiner</b>	<b>Art Unit</b>	
	William J. Deane	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 February 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 4-27 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 4-27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 4 - 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,631,188 (Sands) in view of U.S. Patent Application No. 2002/0131565 (Scheuring et al.) and U.S. Patent No. 5,625,683 (Nazanin et al.).

With respect to claims 1, 4, 10 - 12, 14 - 15, 19 and 22 - 27 note that Sands teaches a caller ID unit for identifying caller information associated with an incoming call (see Fig. 5), and scheduling means for a call-back (Abstract).

With respect to the caller ID means it would have been obvious to one of ordinary skill in the art to have incorporated the caller ID device into the phone 12 as such only entail putting two separate devices used together and incorporating them into one device.

With respect to the reminder circuit, Sands and Scheuring teach the claimed limitations except for the prompting unit means to remind one to callback a caller. However note that Nazanin et al. teach such (see Abstract). It would have been obvious to one of ordinary skill in the art to have incorporated such a means as taught by Nazanin et al. into the Sands/Scheuring systems as an obvious added-value.

With further respect to the scheduling means and the limitations of claims 4, 14, 19 and 22 – 23, note Fig. 1 of Scheuring et al. and paragraphs 0077 and 0078 of Scheuring et al. It would have been obvious to one of ordinary skill in the art to have incorporated such a scheduling means as taught by Scheuring et al. into the Sands system as such would only entail the substitution of one scheduling means for another.

With respect to claim 5, note Abstract.

With respect to claim 6, note Abstract and controls (40) of Sands.

With respect to claim 7, note telephone 12 of Sands.

With respect to claim 8, note storage device 26 of Sands.

With respect to claim 9, note storage device 28 of Sands.

With respect to claim 13, note elements 42 and 44 of Sands.

With respect to claims 16 - 18, note telephone 12 and caller ID unit 22. The other means cited would be obvious in view of Sands and the other art cited prior art cited throughout the prosecution of the case.

With respect to claim 21, note that, as broadly claimed, telephone 12 is a portable handheld device.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sands and Scheuring and U.S. Patent No. 5,625,683 (Nazanin et al.). Sands and Scheuring teach the claimed limitations except for the prompting unit means to remind one to callback a caller. However note that Nazanin et al. teach such (see Abstract). It would have been obvious to one of ordinary skill in the art to have incorporated such a means

as taught by Nazanin et al. into the Sands/Scheuring systems as an obvious added-value.

***Response to Arguments***

Applicant's arguments with respect to claims 1 and 4 - 27 have been considered but are not deemed persuasive to any error in the rejection above.

See Arguments in the last Office Action.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, see arguments in the last Office Action. In addition it would be obvious to one of ordinary skill in the art to combine into one device 2 separate devices. This is in particularly true when one reference shows both items. That is, a phone having caller ID unit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 273-8300.

29April2007

  
WILLIAM J. DEANE, JR.  
PRIMARY EXAMINER